

DISPOSITION: On December 23, 1952, "Respondent's Answer" was filed, which did not state or establish the name of any person or concern having an interest in the property under seizure. Moreover, no claim of ownership to establish an interest in the seized property was filed. In these circumstances, a motion was made on behalf of the Government for the entry of a decree of condemnation. On June 23, 1953, after consideration of the Government's motion, judgment of condemnation was entered and the court ordered that the product be destroyed.

4057. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34676. Sample No. 54761-L.)

LABEL FILED: February 25, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 30, 1952, J. C. Gage, doing business as Wayside Health Home, Eldorado Springs, Mo., delivered to Oscar E. Buchanan 1 device and accompanying printed matter which then were transported by Mr. Buchanan from Eldorado Springs, Mo., to Alma, Mich.

PRODUCT: 1 *Radiant Ozone Generator* at Alma, Mich., together with a number of mimeographed direction sheets, a mimeographed sheet headed "Color," a number of mimeographed sheets of testimonials, and a mimeographed copy of an affidavit, dated November 21, 1947, and signed by J. C. Gage, referring to the testimonials.

The device consisted essentially of a series of tubes, which were similar to neon tubes, with connections for attachment to a source of electric current.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned printed matter accompanying the device were false and misleading. The statements represented and suggested that the device would give one health and strength and help one to get well, and that it constituted an adequate and effective means for the treatment of arthritis, angina, diphtheria, mumps, whooping cough, asthma, bladder and kidney trouble, blood disorders, anemia, cancer, diabetes, cataract, catarrh, heart trouble, hay fever, colds, sinus trouble, liver trouble, neuritis, piles, prostate gland affections, colitis, constipation, pneumonia fever, paralysis, rheumatism, ulcers, sores, sprains, varicose veins, tuberculosis, mastoid affections, earache caused by cold or injury, migraine headaches, stiff knee, stiff hip, stiff back, swollen leg, bronchial disturbances, low blood pressure, weakened, rundown condition, piles, bloat, throat trouble, bruise, diseases caused by impure blood and poor circulation, nervous breakdown, crippled knee, nervousness, inflammation of kidneys, blood clots, flu, soreness in the neck, prostate gland trouble, stomach trouble, paralysis, high blood pressure, enlarged heart, appendicitis, boils, poison oak, chickenpox, sciatic rheumatism, headaches, cramps in the leg, gland trouble, and "all diseases known to suffering humanity." The device would not give one health and strength or help one to get well, and it did not constitute an adequate and effective means for the treatment of the conditions stated and implied.

DISPOSITION: April 16, 1953. Default decree of condemnation. The court ordered that the device and the printed matter be delivered to the Food and Drug Administration.

4058. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34641. Sample No. 10079-L.)

LABEL FILED: February 6, 1953, Eastern District of Wisconsin.